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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,168	11/21/2005	Shinichiro Yamada	09792909-6277	1127

26263 7590 12/02/2008  
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EXAMINER
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SANDERS, KRIELLION ANTONETTE

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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12/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,168	<b>Applicant(s)</b> YAMADA ET AL.	
	<b>Examiner</b> Kriellion A. Sanders	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 21 recites the limitation " The material for audio equipment housing according to claim 1" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 21 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fujihara et al, EP Patent Application No. 1213111 A2 or Fujihara et al, US Patent Publication No. 20020128344.

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The references are relied upon for reasons of record.

Fujihira et al discloses biodegradable resin compositions comprising biodegradable resin and natural or synthetic mica;

(2) The reference also relates to a method for improving elastic modulus of biodegradable resin composition comprising synthetic mica as crystal nucleating agent and aliphatic polyester resin wherein the composition is allowed to stand for 30-180 seconds at 80-130 degrees C;

(3) Production of the biodegradable resin composition, involves kneading aliphatic polyester resin and 0.5-20 weight% (wt.%) of synthetic mica at 150-200 degrees C.

(4) The reference further relates to housing material comprising biodegradable resin composition.

The preferred Composition comprises a biodegradable resin that is an aliphatic polyester resin such as polylactic acid. The biodegradable resin material contains 0.1-20 wt.% of an additive (such as a carbodiimide compound) for suppressing hydrolysis, along with the aliphatic polyester resin, 0.5-5 wt.% of an organic nucleating agent (such as aliphatic carboxylic acid amide or aliphatic carboxylic acid ester) and 0.5-20 wt.% of synthetic mica or 5-20 wt.% of natural mica.

The compositions are used for improving elastic modulus of biodegradable resin material which is used for molding housings and structural components of household electric appliances and electronic equipment. See claims 1-55.

No patentable difference is ascertained between the present and patented inventions. Because the components of the EP invention are essentially the same as applicant's, they are expected to possess the same inherent properties in, for example, specific gravity.

3. This reference is equivalent to the EP reference above and is relied upon for the same reasons. See claims 1-55.

***Response to Arguments***

4. Applicant's arguments filed 8/12/08 have been fully considered but they are not persuasive.

5. Applicant states that in a material made of various components, the density can vary based on the amount of each component in a material and the total volume of the material. As such, specific gravity is not an inherent characteristic in a material that is made up of more than one component. Given this rationale, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to vary the amount of the components to achieve an optimal specific gravity for purposes of the invention.

6. Applicant further argues that Fujihara et al. does not teach or even fairly suggest using an audio equipment housing that includes a biodegradable resin or adding hydrolysis inhibitor to a material for an acoustic application.

The compositions of Fujihara et al are used for improving elastic modulus of biodegradable resin material which is used for molding housings and structural components of household electric appliances and electronic equipment. See claims 1-55. Applicant's audio equipment housing is considered to be a type of electronic equipment. Therefore, no patentable difference is readily ascertained between the present and patented claims.

The remarks above are applicable to both Fujihara references relied upon since they are considered to provide equivalent teachings.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kriellion A. Sanders/

Primary Examiner, Art Unit 1796

Kriellion A. Sanders  
Primary Examiner  
Art Unit 1796

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